

STORZER & ASSOCIATES, P.C

Sieglinde K. Rath (#048131991)
Christopher K. Costa (#023251933)
Roman P. Storzer, *admitted pro hac vice*
Robin N. Pick, *admitted pro hac vice*
Melissa A. Bright, *admitted pro hac vice*
9433 Common Brook Rd., Ste. 208
Owings Mills, MD 21117
(410) 559-6325

Counsel for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BAIS BRUCHA, INC. and RABBI
MORDECHAI SEKULA,

Plaintiffs,

v.

TOWNSHIP OF TOMS RIVER, NEW
JERSEY, and TOWNSHIP OF TOMS
RIVER ZONING BOARD OF
ADJUSTMENT,

Defendants.

Case: 3:21-cv-03239-ZNQ-RLS

**DECLARATION OF
MELISSA A. BRIGHT**

DECLARATION OF MELISSA A. BRIGHT

Melissa A. Bright declares as follows, pursuant to 28 U.S.C. § 1746:

1. I am of counsel with Storzer & Associates, P.C., attorneys for the Plaintiffs, and make this Declaration in that capacity.
2. I respectfully submit this Declaration in support of Plaintiffs' Motion to Compel Discovery.
3. A true and correct copy of a May 1, 2023 email from Samuel Speed, Plaintiffs' counsel, to Scott Ketterer, Defendants' counsel, setting out a list of custodians to be searched is attached hereto as **Exhibit A**.

4. A true and correct copy of the Township of Toms River's Answers to Plaintiffs' First Set of Interrogatories dated May 2, 2023 is attached hereto as **Exhibit B**.
5. A true and correct copy of Township of Toms River's Responses to Plaintiffs' First Request for Production of Documents dated May 2, 2023 is attached hereto as **Exhibit C**.
6. A true and correct copy of Township of Toms River Zoning Board of Adjustment's Response to Plaintiffs' First Request for Production of Documents dated May 8, 2023 is attached hereto as **Exhibit D**.
7. A true and correct copy of Township of Toms River Zoning Board of Adjustment's Answers to Plaintiffs' First Set of Interrogatories dated May 15, 2023 is attached hereto as **Exhibit E**.
8. A true and correct copy of Township of Toms River's Responses to Second Request for Production of Documents received on July 7, 2023 is attached hereto as **Exhibit F**.
9. A true and correct copy of Township of Toms River's Responses to Third Request for Production of Documents received on July 7, 2023 is attached hereto as **Exhibit G**.
10. A true and correct copy of Plaintiffs' deficiency letter regarding Defendant Township of Toms River's Answers to Plaintiffs' First Set of Interrogatories and Responses to First Request for Production of Documents which was sent to Defendant Township of Toms River, New Jersey on June 27, 2023 is attached hereto as **Exhibit H**.
11. A true and correct copy of Plaintiffs' deficiency letter regarding Defendant Township of Toms River Zoning Board of Adjustment's Answers to Plaintiffs' First Set of Interrogatories Responses to Plaintiffs' First Request for Production of Documents which was sent to Defendant Zoning Board of Adjustment Township of Toms River on June 27, 2023 is attached hereto as **Exhibit I**.

12. A true and correct copy of Plaintiffs' deficiency letter regarding Defendant Township of Toms River's Responses to Plaintiffs' Second Request for Production of Documents which was sent to Defendant Township of Toms River, New Jersey on August 7, 2023 is attached hereto as **Exhibit J**.
13. A true and correct copy of Plaintiffs' deficiency letter regarding Defendant Township of Toms River's Responses to Plaintiffs' Third Request for Production of Documents which was sent to Defendant Township of Toms River, New Jersey on August 7, 2023 is attached hereto as **Exhibit K**.
14. Attorneys from this office conducted meet and confers with Defendants' counsel, Scott Ketterer, relating to the deficiencies with respect to the Defendants' written discovery responses on January 12, February 21, March 16, March 30, May 3, June 5, June 30, July 24, July 27, August 11, August 22, and September 5, 2023.
15. Defendants provided a Certification from KLDDiscovery Ontrack, LLC ("KL Certification"), their third party electronic discovery provider, on August 11, 2023. A true and correct copy of the Certification with exhibits is attached hereto as **Exhibit L**.
16. Attached hereto as **Exhibit M** is a chart setting out the deficiencies in the Defendants' answers to Plaintiffs' Interrogatories and the deficiencies in Defendants' responses to Plaintiffs' Requests to Produce Documents for which relief is sought with respect to this Motion.
17. On August 11, 2023, Defendants produced documents with respect to their insurance coverage relating to this action. A true and correct copy of those documents are attached hereto as **Exhibit N**.

18. The Defendants were to substantially complete their document production by August 30, 2023. To date, Plaintiffs have received 10,454 documents in production from the Defendants.

19. Per the Defendants' KL Certification, as discussed in paragraph 15 above, the total number of responsive documents found by Defendants' third-party discovery vendor after deduplication is "approximately 43,913." The KL Certification states that there are an additional 79,251 documents responsive to Plaintiffs' search terms.

20. Six of Plaintiffs' Interrogatories and/or Requests sought information related to comparator applications as follows: Plaintiffs' First Set of Interrogatories to the Township of Toms River number 15; Plaintiffs' First Set of Requests for Documents to the Township of Toms River number 60; Plaintiffs' Third Set of Requests for Documents to the Township of Toms River number 1; Plaintiffs' First Set of Interrogatories to the Zoning Board of Adjustment numbers 10 & 11; and the Plaintiffs' First Set of Requests for Documents to the Zoning Board of Adjustment number 31.

21. Plaintiffs have received documents relating to 35 comparator applications under 6 of the 16 types of applications sought submitted only to the ZBA.

22. To date, Defendants have not produced a privilege log.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 10, 2023

A handwritten signature in black ink, appearing to read "MBright", written over a horizontal line.

Melissa A. Bright